

AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF A PARCEL OF LAND SITUATED IN THE COLLIN COUNTY LAND SURVEY, ABSTRACT NO. 155, COLLIN COUNTY, TEXAS, CONTAINING 60.025 ACRES OF LAND; PROVIDING THAT THE OWNERS AND INHABITANTS OF THE ABOVE-DESCRIBED TRACT OF LAND SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF FRISCO AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND HEREINAFTER ADOPTED; PROVIDING FOR A PENALTY FOR A VIOLATION OF THIS ORDINANCE AND FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 93-07-11 AND ANY AMENDMENTS THERETO; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Frisco ("Frisco") received a request from Tiger Lily Properties Associates, L.P. for Stewart Armstrong and J.A. Whittenburg, III to annex a parcel of land containing 60.025 acres more or less; and

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") under the authority of Section 43.021, Local Government Code, investigated and determined that it would be advantageous and beneficial to Frisco and its inhabitants to annex the below-described property ("Property") to Frisco; and

WHEREAS, the City Council finds that all requisites relative to consideration and adoption of this Ordinance have been complied with pursuant to Chapter 43, Local Government Code; and

WHEREAS, prior to conducting the public hearings required under Section 43.063, Local Government Code, the City Council also investigated and determined that the Property is within the extraterritorial jurisdiction of Frisco and is adjacent and contiguous to the existing city limits of Frisco; and

WHEREAS, before the publication of the notice of the first public hearing regarding the annexation of the Property, the City Council directed the appropriate persons to prepare a service plan that provides for the extension of municipal services to the Property to be annexed; and

WHEREAS, the City Council finds that the service plan has been prepared in full compliance with Section 43.065, Local Government Code, and has been made available for public inspection and was available for explanation to the inhabitants of the Property at the public hearings; and

WHEREAS, the City Council finds that the field notes close the boundaries of the Property being annexed;  
and

WHEREAS, the City Council has conducted at least two (2) public hearings at which persons interested in the annexation were given an opportunity to be heard regarding the proposed annexation and the proposed service plan; and

WHEREAS, the City Council finds the public hearings were conducted on or after the fortieth (40th) day but before the twentieth (20th) day before the date of the institution of the annexation proceedings; and

WHEREAS, the City Council finds it has completed the annexation process within ninety (90) days after the City Council instituted annexation proceedings; and

WHEREAS, the City Council finds that all legal notices, hearings, procedures and publishing requirements for annexation have been performed and completed in the manner and form set forth by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO,  
TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Property Annexed. The Property described as follows and all public streets, roadways and alleyways located within or contiguous to the same is hereby annexed to Frisco, to-wit:

BEING a tract of land out of the Collin County Land Survey, Abstract No. 155, Collin County, Texas containing 60.025 acres of land, more or less; said tract is more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 3: Service Plan. The Service Plan for the Property is attached hereto as Exhibit "B" and made a part hereof for all purposes.

SECTION 4: Rights/Privileges/Bound by Ordinances and Regulations. From and after the passage of this Ordinance, the Property shall be a part of Frisco, and the inhabitants thereof shall be entitled to all the rights and privileges of all of the citizens of Frisco and shall be bound by all of the ordinances and regulations enacted pursuant to and in conformity with the City Charter and the laws of the State of Texas.

SECTION 5: Official Map and Boundaries Amended. The official map and boundaries of Frisco are hereby amended to include the Property as part of Frisco. A certified copy of this Ordinance shall be filed in the County Clerk's Office of Collin County.

SECTION 6: Unlawful Use. It shall be unlawful for any person, firm or corporation to make use of the Property in some manner other than as authorized by this Ordinance and Comprehensive Zoning Ordinance No. 93-07-11, and any amendments thereto; and it shall be unlawful for any person, firm or corporation to construct on the Property any building that is not in conformity with the permissible use under this Ordinance and Comprehensive Zoning Ordinance No. 93-07-11, and any amendments thereto.

SECTION 7: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance or any provision of Frisco's Comprehensive Zoning Ordinance No. 93-07-11, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 8: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 9:     Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance, or the use created herein or under Comprehensive Zoning Ordinance No. 93-07-11, and any amendments thereto, be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 10: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
KATHLEEN A. SEEI, MAYOR

ATTESTED TO AND  
CORRECTLY RECORDED BY:

APPROVED AS TO FORM:

\_\_\_\_\_  
NAN PARKER  
City Secretary

\_\_\_\_\_  
ABERNATHY, ROEDER, BOYD  
& JOPLIN, P.C.  
RICHARD M. ABERNATHY  
City Attorneys

DATE(S) OF PUBLICATION: \_\_\_\_\_, *Frisco Enterprise*